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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/622,938

07/18/2003

David L. Oswald

23-0070

3467

40158

7590

05/15/2008

WOODS FULLER SHULTZ & SMITH P.C.

ATTN: JEFFREY A. PROEHL

P.O. BOX 5027

SIOUX FALLS, SD 57117

EXAMINER

PHILIPPE, GIMS S

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

05/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/622,938	<b>Applicant(s)</b> OSWALD, DAVID L.	
	<b>Examiner</b> Gims S. Philippe	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 16-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-18 is/are allowed.
- 6) ☒ Claim(s) 1-12, 19-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

Applicant's amendment received on March 27, 2008 have been fully considered and entered, but the arguments are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Sutton, Jr. (US Patent no. 5,923,361).

Regarding claim 1, Sutton discloses in fig. 1 a remote video computer monitoring system for use with conventional computing systems, comprising a video tap assembly for tapping a video signal routed from a video output of a conventional computer to a monitor (See fig. 1, item 66), said video tap assembly splitting off a portion of the video signal while allowing a second portion of the video signal to pass through to the monitor (See fig. 1, splitter 28); a transmitter assembly operationally coupled to said video tap assembly, said transmitter assembly propagating said portion of the video signal as a propagated signal (See fig. 1, transmitter 61) ; and a monitoring assembly for receiving

said propagated signal and presenting a visual representation of the video signal to a user (See fig. 1, monitor 20, 22,24, and 26).

As per claims 2-6, Sutton further provides a modulator for modulating portion of the video signal, and transmitter coupled to the modulator (See modulator 40 and transmitter 61 of fig. 1). The applicant should note that ac and radio frequency propagation are considered inherent features of Sutton's system.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutton, Jr. (US Patent no. 5923361) in view of Cezeaux et al. (US Patent Application Publication no. 2002/0180781 A1).

Regarding claims 19, and 22-23, most of the limitations of these claims have been noted in the above rejection of claim 1.

It is noted that Sutton is silent about first and second monitors with monitor assembly configured to receive the propagated signal at a location remote from the

transmitter assembly, the monitoring assembly producing a video output representative of the original video signal such that the video output produces video images on a second display monitor corresponding to the video images displayed on the first display monitor.

However, Cezeaux provides a monitoring assembly configured to receive the propagated signal at a location remote from the transmitter assembly, the monitoring assembly producing a video output representative of the original video signal such that the video output produces video images on a second display monitor corresponding to the video images displayed on the first display monitor (See Cezeaux paragraphs [0043-0044]).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Sutton's remote computer monitoring by incorporating the teachings Cezeaux. The motivation for performing such a modification in Sutton is to enable a parent to block a content from being transmitted to a child television as taught by Cezeaux (See Cezeaux paragraph [0044]).

As per claims 20-21, most of the limitations of these claims have been noted in the above rejection of claim 19. In addition, Sutton further provides means transmitting and receiving propagated signal wirelessly through alternating current (See Sutton col. 6, lines 52-63).

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5. Claims 7-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 16-18 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gims S Philippe  
Primary Examiner  
Art Unit 2621

/G. S. P./  
/Gims S Philippe/  
Primary Examiner, Art Unit 2621